

By Senator Goss:
"Amend by striking out all of line 8, on page 2."

Lost.

By Senator Grinnan:
"Amend line 13, page 2, by striking out '15' and inserting '10.'"

Lost.

Bill as amended ordered engrossed.

On motion of Senator Terrell, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—18.

Atlee.	Lewis.
Burns.	Lloyd.
Dibrell.	Miller.
Gough.	Morriss.
Greer.	Odell.
Hanger.	Potter.
James.	Ross.
Johnson.	Stafford.
Kerr.	Terrell.

Nays—3.

Goss.	McGee.
Grinnan.	

Absent.

Neal.	Wayland.
Stone.	Yantis.
Turney.	Yett.

Absent—Excused.

Linn.	Sebastian.
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Bill read third time, and passed by the following vote:

Yeas—19.

Atlee.	Lloyd.
Burns.	Miller.
Dibrell.	Morriss.
Gough.	Odell.
Greer.	Patterson.
Hanger.	Potter.
James.	Ross.
Johnson.	Stafford.
Kerr.	Terrell.
Lewis.	

Nays—3.

Goss.	McGee.
Grinnan.	

Absent.

Davidson.	Wayland.
Neal.	Yantis.
Stone.	Yett.
Turney.	

Absent—Excused.

Linn.	Sebastian.
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Senator Miller moved to reconsider the vote by which Senate bill No. 62 was passed, and to lay that motion on the table.

Tabled.

The Chair laid before the Senate, on third reading,

Senate bill No. 105, A bill to be entitled "An Act to amend Articles 4786 and 4788, of Title XCVII, Chapter 7, of the Revised Civil Statutes of the State of Texas, relating to elections for road taxes."

Bill read third time, and passed.

RECOMMITTED.

On motion of Senator Terrell,
Senate bill No. 145, A bill to be entitled "An Act to provide for the establishment, maintenance and government of a State normal school, to be located at Denton, Texas, and to be known as the North Texas Normal School," was recommended to Committee on Education.

SPECIAL COMMITTEE.

The Chair announced the following special committee on part of the Senate to visit and report on the various educational institutions: Senators Goss, Terrell and Grinnan.

On motion of Senator Miller, the Senate adjourned to 10 a. m., tomorrow.

THIRTY-FIRST DAY.

Senate Chamber,
Austin, Texas, Wednesday, Feb. 22, 1899.

Senate met pursuant to adjournment.
Lieutenant-Governor Browning in the Chair.

Roll called. Quorum present, the following members answering to their names:

Atlee.	Lloyd.
Burns.	McGee.
Dibrell.	Miller.
Goss.	Morriss.
Gough.	Odell.
Grinnan.	Patterson.
Hanger.	Potter.
James.	Ross.
Johnson.	Stafford.
Kerr.	Terrell.
Lewis.	Yett.

Absent.

Davidson.	Stone.
Greer.	Turney.
Neal.	Wayland.
Sebastian.	Yantis.

Absent—Excused.

Linn.

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of yesterday,

On motion of Senator Stafford, the same was dispensed with.

EXCUSED.

On motion of Senator Gough, Senator Yett was excused for non-attendance on Friday and Saturday of last week, and Monday and Tuesday of this week, on account of sickness.

On motion of Senator Odell, Senator Sebastian was excused for today, on account of sickness.

On motion of Senator Patterson, Senator Greer was excused for today and tomorrow on account of important business.

On motion of Senator Dibrell, Senators Davidson and Wayland were excused for today and the remainder of this week, on account of important committee duty.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, Feb. 22, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 176, being a bill to be entitled "An Act to amend an act entitled 'An Act to incorporate the city of Paris,' etc., etc.,"

And find the same correctly engrossed.
JAMES, Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 89, being a bill to be entitled "An Act to amend Articles 870 and 873, of Chapter 1, Title XXV, of the Revised Civil Statutes, relating to county finances, and to add to said chapter and title Article 871a, so as to make the law applicable to municipal corporations,"

And find the same correctly engrossed.
JAMES, Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 125, being a bill to be entitled "An Act to amend Article 617b, Chapter 12, Title XVIII, Revised Civil

Statutes of Texas, relating to the abolishment of municipal corporations,"

And find the same correctly engrossed.
JAMES, Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 47, being a bill to be entitled "An Act to create and maintain a more efficient public road system for Cass county,"

And find the same correctly engrossed.
JAMES, Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 148, being a bill to be entitled "An Act to amend Article 244, of Chapter 2, Title IV, of the Code of Criminal Procedure of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

TERRELL, Acting Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 126, being a bill to be entitled "An Act to amend Sections 2, 10 and 13, of Chapter 103, of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-fifth Legislature, providing for the collection of taxes heretofore and that may hereafter be levied, making such taxes a lien upon the lands taxed; establishing and continuing such liens, providing for sale and conveyance of lands delinquent for taxes since January 1, 1885, which may have been returned delinquent or reported sold to the State, or to any county, city or town, for the tax due thereon and not redeemed, or which may hereafter be returned delinquent, or reported sold to the State or to any county, city or town, to satisfy the lien thereon as enacted by the Regular Session of the Twenty-fourth Legislature, being Chapter 5a, of Title CIV, of the Revised Civil Statutes of 1895, relating to delinquent

taxes, and to repeal all laws in conflict with this act."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

TERRELL, Acting Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 159, being a bill to be entitled "An Act to amend Article 32, of Chapter 2, Title I, of the Code of Criminal Procedure of the State of Texas, relating to the duties of county attorneys,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

TERRELL, Acting Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 167, being a bill to be entitled "An Act to amend Article 788, of Chapter 3, Title XVII, of the Penal Code of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature, 1895, so as to define the offense of using animals without the consent of the owner, and to prescribe the penalty therefor,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

TERRELL, Acting Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 147, being a bill to be entitled "An Act to compel street railway companies of this State to so arrange their cars that the gripman, motorman or driver shall not be exposed to the weather, and providing a penalty for a failure to do so,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

TERRELL, Acting Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 150, being a bill to be entitled "An Act to amend Article 549a, Title XIV, Chapter 1, of the Penal Code of the State of Texas, by adding Article 533, of the said title and chapter,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

TERRELL, Acting Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 151, being a bill to be entitled "An Act to amend Article 958 (805), Title XVIII, Chapter 1, of the Penal Code of the State of Texas, relative to conspiracy to commit murder, rape, etc.,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

TERRELL, Acting Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 163, being a bill to be entitled "An Act to provide for the appraisalment of real estate sold under mortgage, deed of trust, execution or other lien, and to repeal all laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

ATLEE, Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

House bill No. 157, being a bill to be entitled "An Act to repeal Articles 3898, 3899, 3900, 3901, Title LXXXVI, Chapter 7, of the Revised Civil Statutes of 1895, of the State of Texas, transferring

and setting apart annually one per cent. of the full value of the permanent school fund to the credit of the available school fund, and to declare an emergency and provide that this act take effect immediately,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

ATLEE, Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 168, being a bill to be entitled "An Act to amend Article 3744, of the Revised Civil Statutes of the State of Texas, of 1895, relating to the hiring out of convicts,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not pass*.

ATLEE, Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 166, being a bill to be entitled "An Act to amend Article 713, of Chapter 11, Title XXI, of the Revised Civil Statutes of the State of Texas, and to add Article 713a to said Chapter 11, Title XXI, of said Revised Civil Statutes of the State of Texas, relating to the purposes for which private corporations may be created,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

ATLEE, Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 160, being a bill to be entitled "An Act to amend Article 642, of the Revised Civil Statutes, and to add thereto Section 57, regarding the purposes for which private corporations may be created,"

Have had the same under consideration, and I am instructed to report the

same back to the Senate with the recommendation that it *do pass*.

ATLEE, Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

House bill No. 352, being a bill to be entitled "An Act to create a commission to frame and report a complete system of laws for the assessment, collection and accounting of taxes and public revenues in the State; to provide the duties and compensation of said commission, the methods of its work, the period of its service, and the submission of a report of its labors to the Legislature, and to make an appropriation to defray the expenses of the same,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

ATLEE, Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 154, being a bill to be entitled "An Act to authorize the Missouri, Kansas & Texas Railway Company of Texas to acquire by purchase or lease the railroad of the Sherman, Shreveport & Southern Railway Company, extending from the city of McKinney, in Collin county, to the city of Jefferson, in Marion county, and any extension thereof from said city of Jefferson to the eastern line of Texas, in the direction of Shreveport, Louisiana, together with the property and franchises pertaining thereto, and to own, operate and maintain the same as part of its line, with the right to extend the same and construct branches therefrom by amendment of its charter under the General Laws of the State of Texas, and investing said companies and each of them, with the power to make and execute all necessary contracts, agreements and conveyances to effect such sale or lease; also to authorize the said Sherman, Shreveport & Southern Railway Company before such sale or lease, or the said Missouri, Kansas & Texas Railway Company of Texas after such sale or lease, when the said railway so to be purchased or leased, has been extended from the city of Jefferson to the eastern line of the State of Texas,

in the direction of Shreveport, Louisiana, to connect with any railway extending to said city of Shreveport, and to acquire from the owner or owners of such line of railway in the State of Louisiana, by lease, trackage, or running rights agreement, the use of such line to the said city of Shreveport; and further, to authorize the said Sherman, Shreveport & Southern Railway Company before such sale or lease, or the said Missouri, Kansas & Texas Railway Company of Texas, after such sale or lease, to acquire necessary terminal facilities in the said city of Shreveport."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

STAFFORD, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Towns and City Corporations, to whom was referred

House bill No. 223, being a bill to be entitled "An Act to incorporate the city of Austin, Texas; to grant it a new charter, and to define and fix its boundaries";

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

Floor report, by Miller, James, Stafford, Ross, Atlee, Burns and Hanger.

MILLER, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 135, being a bill to be entitled "An Act to amend Section 1, Chapter 135, of the Acts of 1897, Regular Session of the Twenty-fifth Legislature, relating to the regulation of fire, fire and marine insurance companies, and adding the emergency clause,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that the accompanying substitute bill in lieu thereof *do pass*.

McGEE, Chairman.

Senate Substitute bill No. 135, by Committee.

A bill to be entitled "An Act to amend Chapter 135, of the Acts of the Twenty-

19—Senate

fifth Legislature, Regular Session of 1897, relating to the regulation of fire and marine insurance, and making it unlawful for any fire or fire marine, boiler or marine insurance which is legally licensed to transact the business of fire, marine and boiler insurance in this State, to place or cause to be placed, to write or cause to be written any contract or policy of insurance against loss by fire, explosion or the perils of the sea on any property in this State except through legally authorized and licensed agents, resident in the State, and prescribing penalties for a violation of same, and to further prescribe conditions to be complied with by any fire, fire and marine, boiler or marine insurance company before it shall be licensed or re-licensed by the commissioner to do business in this State."

Be it enacted by the Legislature of the State of Texas:

Section 1. That all fire, fire and marine, or marine, or boiler insurance companies which are legally authorized to do business in this State through legally commissioned and licensed agents, resident in this State, shall not make contracts of fire, boiler or marine insurance on property within the borders of this State, or sign or countersign or deliver any policy of insurance, save through regularly commissioned and licensed local agents of such companies in Texas; and be it further provided that this act shall not apply in any county or town in this State in which any fire, or fire and marine, or boiler, or marine insurance company may have no commissioned and licensed local agent, and in such case any legal commissioned and licensed local agent of such company in this State is legally authorized to write insurance in any such county or town; provided, however, that this act shall not apply to property owned by railroad companies or other common carriers; and provided further, that upon oath made in writing by any person that he cannot procure insurance on property through such local agents in Texas, it shall be lawful for any insurance company not having an agent in Texas to insure property of any person upon application of said person upon his filing said oath with the county clerk of the county in which such person resides.

Sec. 2. That before a certificate or license to any fire, or fire and marine, marine or boiler insurance company is issued, authorizing it to transact the business of fire, boiler or marine insurance in this State, the insurance commissioner shall require, in every case, in addition to the other requirements already

made and provided for by law, that each and every such fire or fire and marine, or marine or boiler insurance company shall file with him an affidavit that it has not violated any of the provisions of this act.

Sec. 3. That whenever the insurance commissioner in his judgment has good reason to believe any fire, or fire and marine, or marine, or boiler insurance company has violated any of the provisions of this act, he is authorized, and it is hereby made his duty, at the expense of such company, to examine at the head office, located within the United States of America, all books, records and papers of such company, and also any officers thereof, under oath as to such violation or violations.

Sec. 4. That any fire, or fire and marine, or marine or boiler insurance company violating any provision of this act shall forfeit the right to do business in this State for the unexpired term for which it was originally licensed, and for twelve months next following thereafter the insurance commissioner shall immediately revoke the license already issued to any such company to do business in this State, and publish notice of such revocation as required by law.

Sec. 5. The fact that the practice of some companies in writing business through other channels than through the medium of their duly appointed local agents in this State not only deprives the local agents of the commissions but withholds the tax required by law to be paid on the gross premium receipts to the State, creates a public necessity and an emergency which requires this act to take effect immediately, and the rules requiring bills to be read on three several days should be suspended, and are hereby suspended, and this act shall take effect and be in force from and after its passage.

Sec. 6. That all laws and parts of laws in conflict with the provisions of this act be and they are hereby repealed.

BILLS AND RESOLUTIONS.

By Senator Miller:

Senate bill No. 190, A bill to be entitled "An Act granting permission to M. T. and M. C. Chapman or their assigns to sue the State of Texas in the District Court of Dallas county, Texas, to ascertain the amount, if anything, the State is due them for sinking an artesian well at the North Texas Asylum for the Insane at Terrell, Texas."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Odell:

Senate bill No. 191, A bill to be entitled

"An Act to prohibit minors from engaging in the game of ten pins, or other games played or carried on with pins and balls at any ten pin alley or other place where such game or games may be carried on for profit, and to prevent such persons from remaining in or about the premises where such game or games are carried on for profit, and fixing a penalty for the violation of the provisions of this act."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Morriss:

Senate bill No. 192, A bill to be entitled "An Act to provide and equip certain eleemosynary institutions of the State with an efficient and permanent system of fire escapes, authorizing the purchase of such fire escapes by the board of managers of the institutions herein named, with the approval of the Governor of the State, and making an appropriation therefor."

Read first time, and referred to Committee on Asylums.

Call concluded.

HOUSE MESSAGES.

The following messages from the House were received:

Hall of the House of Representatives,
Austin, Texas, Feb. 22, 1899.

Hon. Jas. N. Browning, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bill:

House bill No. 77, A bill to be entitled "An Act to provide for a special road law for Denton county, Texas; to empower the commissioners of said county with special authority to act as road commissioners for said county, with power to purchase teams and tools for said work; to summon any one subject to road duty; also providing for penalty for failure to work; also providing for working upon public roads those who have not paid poll tax, with penalty for failure to work; also providing for amount that may be paid by each taxpayer in lieu of work; also compensation for commissioners when engaged in this duty."

Also House has concurred in Senate amendments to House bill No. 54.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

IN SENATE.

The above reported House bill No. 77

was read first time, and referred to Committee on Roads, Bridges and Ferries.

Hall of the House of Representatives,
Austin, Texas, Feb. 22, 1899.

Hon. Jas. N. Browning, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bill:

House bill No. 223, A bill to be entitled "An Act to incorporate the city of Austin, to grant it a new charter, and fix its boundaries," with amendment.

Also that the House has appointed the following Conference Committee on Senate Concurrent Resolution No. 10: Messrs. Bailey, Ayers, Shelburne, Marsh and Schluter.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

IN SENATE.

The above reported House bill No. 223 was read first time, and referred to Committee on Towns and City Corporations.

SPECIAL ORDERS.

The Chair laid before the Senate, on second reading,

Senate bill No. 103, A bill to be entitled "An Act to amend Section 23, of Article 1194, of the Revised Civil Statutes of the State of Texas, regulating the venue of suits against private corporations, associations, and joint stock companies, so as to permit suits against carriers to be brought in any county in which the carrier on whose line the freight or baggage originated or was first shipped, has an office or agency, and against whom, with others, damages are claimed, or in any county in which is situated the depot, town, or point to which the freight or baggage was consigned or shipped, and to permit two or more carriers to be joined in one suit."

Bill read second time.

Senator Burns called attention to the fact that

Senate bill No. 96, A bill to be entitled "An Act to provide for the venue of suits against private corporations and railroad corporations, and providing for the venue of suits in which two or more railroad corporations are defendants," had been set for consideration conjointly with Senate bill No. 103, and moved that further consideration of both bills be postponed, and that they be made special order for Wednesday of next week (March 1st) after call.

So ordered.

REGULAR ORDER.

The Chair laid before the Senate, on second reading,

Substitute House bill No. 125, A bill to be entitled "An Act to authorize private corporations created, or that may be created, under the general laws of Texas, to extend or renew their corporate existence where the same has expired or may be about to expire by lapse of time, and prescribing the conditions and mode of such extension or renewal."

Bill read second time, and passed to a third reading.

On motion of Senator Burns, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—20.

Atlee.	Lloyd.
Burns.	McGee.
Dibrell.	Miller.
Gough.	Morriss.
Grinnan.	Odell.
Hanger.	Patterson.
James.	Potter.
Johnson.	Ross.
Kerr.	Stafford.
Lewis.	Terrell.

Nays—1.

Goss.

Absent.

Neal.	Yantis.
Stone.	Yett.
Turney.	

Absent—Excused.

Davidson.	Sebastian.
Greer.	Wayland.
Linn.	

Bill read third time, and passed by the following vote:

Yeas—21.

Atlee.	McGee.
Burns.	Miller.
Dibrell.	Morriss.
Goss.	Odell.
Gough.	Patterson.
Hanger.	Potter.
James.	Ross.
Johnson.	Stafford.
Kerr.	Terrell.
Lewis.	Yett.
Lloyd.	

Nays—1.

Grinnan.

Absent.

Neal.	Turney.
Stone.	Yantis.

Absent—Excused.

Davidson.
Greer.
Linn.

Sebastian.
Wayland.

The Chair laid before the Senate, on second reading,

Senate Joint Resolution No. 3, establishing a commission to be known as "The Tax Commission," whose duty it shall be to formulate measures looking to a fair and equitable imposition of taxes and to their more certain and economical collection, and also to a better and safer system for the disbursement of the public money, and to report the same to the Legislature, and making an appropriation for the expenses of such commission.

Resolution read (in full at the request of Senator Terrell) second time.

Senator Atlee moved that, as there was now pending in the Senate a House bill on the same subject, the bill lie on the table subject to call.

So ordered.

The Chair laid before the Senate, on second reading,

Senate Concurrent Resolution No. 4, to wit:

Whereas, The Constitution of the United States of America provided that Congress, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments to said Constitution.

Therefore, we the Senate of the State of Texas, the House of Representatives of the State of Texas concurring, do hereby petition and request the Congress of the United States of America to call a convention for proposing amendments to said constitution as soon as the Legislatures of two-thirds of the several States of the United States of America shall concur in this resolution by applying to Congress to call said convention; be it further

Resolved, That the Secretary of State be and is hereby directed to send a copy of this resolution to the Congressmen from Texas and the Governor of each State at once, and to the Legislatures of the several States as they convene, with a request of them to concur with us in this resolution.

The resolution was read second time, and adopted.

The Chair laid before the Senate, on second reading,

Senate bill No. 25, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the County Court of Duval county, to conform the jurisdiction of the district court of said county

thereto, and to repeal all laws in conflict herewith."

Bill read second time, and

On motion of Senator Atlee, was postponed indefinitely. (For the reason that the House had already passed a bill on the same subject.)

On motion of Senator Lewis, the regular order was suspended to take up, on second reading,

Senate bill No. 92, A bill to be entitled "An Act to amend Article 3893, Chapter 6, Title LXXXVI, of the Revised Civil Statutes of the State of Texas, 1895, relating to the investment of the permanent school fund of the State of Texas in county bonds."

Bill read second time, and ordered engrossed.

On motion of Senator Lewis, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Atlee.	McGee.
Dibrell.	Miller.
Goss.	Morriss.
Gough.	Odell.
Grinnan.	Patterson.
Hanger.	Potter.
James.	Ross.
Johnson.	Stafford.
Kerr.	Terrell.
Lewis.	Yett.
Lloyd.	

Absent.

Burns.	Turney.
Neal.	Yantis.
Stone.	

Absent—Excused.

Davidson.	Sebastian.
Greer.	Wayland.
Linn.	

Bill read third time, and passed by the following vote:

Yeas—21.

Atlee.	McGee.
Dibrell.	Miller.
Goss.	Morriss.
Gough.	Odell.
Grinnan.	Patterson.
Hanger.	Potter.
James.	Ross.
Johnson.	Stafford.
Kerr.	Terrell.
Lewis.	Yett.
Lloyd.	

Absent.

Burns.	Turney.
Neal.	Yantis.
Stone.	

Absent—Excused.

Davidson.
Greer.
Linn.

Sebastian.
Wayland.

The Chair laid before the Senate, on second reading,

Substitute Senate bill No. 30, A bill to be entitled "An Act to define libel and privileged communications and publications, and to more effectually secure the liberty of the press, and to prevent abuses in exercising such liberty of the press."

Bill read second time with committee substitute.

(At a previous consideration of the bill it was recommitted to Judiciary Committee No. 1, which on February 18, reported as follows):

Committee Room,
Austin, Texas, Feb. 14, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 30, being a bill to be entitled "An Act to define libel and privileged communications and publications, and to more effectually secure the liberty of the press, and to prevent abuses in exercising such liberty of the press,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that the accompanying committee substitute bill in lieu thereof *do pass*.

ATLEE, Chairman.

Substitute Senate bill No. 30, by Committee.

[In the Senate.—February 18, 1899, reported as substitute.]

A bill to be entitled "An Act to define libel and privileged communications and publications, and to more effectually secure the liberty of the press, and to prevent abuses in exercising such liberty of the press."

Be it enacted by the Legislature of the State of Texas:

Section 1. Libel is a false, willful, malicious or wanton defamation expressed by writing, printing, pictures, drawings, signs or other representation tending to blacken the memory of one who is dead; or to impeach the honesty, integrity, virtue or reputation, or to publish the natural defects of one who is alive, and thereby to expose such person to public hatred, contempt, ridicule or financial injury.

Sec. 2. In all actions for libel, the truth, when published in good faith and

for justifiable ends, and without any desire or intention to injure, shall constitute a sufficient defense. The truth of any such libel may be established by a preponderance of evidence, and malice may be inferred from the fact of publication, unless the truth is so proven.

Sec. 3. The following communications and publications shall be deemed privileged, and shall not be made the basis of any action for libel without proof of malice, if made for justifiable ends and without intent or desire to injure:

(1.) Statements made in the proper discharge of a public or official duty.

(2.) Statements made in any legislative or judicial proceeding, or in any other official proceeding authorized by law.

(3.) A fair and true report of any judicial, legislative or other official proceeding, or of anything said or done in the course thereof.

(4.) Statements made in a communication to a person interested therein by one who is also interested, or by one who stands in such a relation to the person interested, as to afford a reasonable ground for supposing the motive for such communication innocent, or who is requested by the person interested, to give the information.

(5.) Reasonable and fair comment and criticisms upon matters of public concern and public officials, the publication of which is for the public benefit.

(6.) A fair and true report of public meetings; provided, any statement by one citizen libeling another shall not be published, unless such statement if pertinent to the purposes of such public meeting.

Sec. 4. If it shall appear upon the trial of any action for damages for libel that the attention of the publisher of such libel was called to such false or defamatory matter or publication, and that such publication was made in good faith and for justifiable ends and without any intention or desire to injure, and its falsity was due to mistake, or that there were reasonable grounds for believing such statements so published to be true, and that within a reasonable time after the attention of such publisher was so called to such false statements, a full and fair correction or retraction was published in the same edition or corresponding issues of the newspaper or periodical in which said article appeared, and in as conspicuous place and type as was said original article, then the plaintiff in such case shall recover only such actual damages as he may prove to have sustained. Provided, however, that the

foregoing provisions of this section shall not apply to any libel against a candidate for public office in this State, unless the correction or retraction be made in the manner aforesaid at least ten days before election.

Sec. 5. On the trial of any action for libel, the defendant may give in evidence under the general issue, in mitigation of damages the circumstances and intention under which such publication was made, and any public apology, correction or retraction of the libel complained of, made and published before suit is brought.

Sec. 6. This act regulates civil actions for damages, and is not intended in any manner to affect the law relating to criminal libel.

Sec. 7. The fact that there is now no adequate law upon this subject and the large amount of business remaining to be disposed of before final adjournment, creates an emergency and an imperative public necessity which authorizes the suspension of the rules requiring bills to be read on three several days, and it is therefore so enacted.

The committee substitute was adopted.

Pending action on engrossment, the following amendments were offered:

By Senator McGee:

"Amend by striking out Section 1 of the bill and making the following sections conform thereto."

Lost.

By Senator Goss:

"Amend by inserting in line 5, page 2, between the words 'and' and 'public' the words 'the official acts of.'"

Adopted.

By Senator James:

"Amend Section 2, page 1, line 17, by inserting after the word 'injure' the words 'and without malice.'"

Adopted.

By Senator McGee:

"Amend by inserting the word 'public' after the words 'in any,' in line 26, page 1, Section 2.

Lost.

By Senator James:

"Amend page 2 by adding after Section 6 the following section:

"Section 7. In all actions for damages for libel the malice of the agent, representative or contributor of the libelous communication may be attributed to the publisher the same as if he were the author of the libel.'"

By Senator Goss:

"Amend the amendment by striking out '6' and inserting '5,' and by striking out '7' and inserting '6,' and change the

numbers of following sections to correspond."

Adopted.

The amendment (James') as amended was then adopted by the following vote:

Yeas—13.

Goss.	McGee.
Gough.	Morriss.
Grinnan.	Odell.
James.	Ross.
Johnson.	Terrell.
Lewis.	Yett.
Lloyd.	

Nays—9.

Atlee.	Miller.
Burns.	Patterson.
Dibrell.	Potter.
Hanger.	Stafford.
Kerr.	

Absent.

Neal.	Turney.
Stone.	Yantis.

Absent—Excused.

Davidson.	Sebastian.
Greer.	Wayland.
Linn.	

By Senator Terrell:

"Amend by adding after the word 'defamation,' line 9, page 1, the words 'statement or publication.'"

Adopted.

By Senator Lewis:

"Amend page 1, subdivision 4, line 32, by striking out all after the word 'interested.'"

Adopted.

By Senator Atlee:

"Strike out 'or' in line 21, page 2, and insert 'and.'"

Lost.

By Senator Grinnan:

"Amend by striking out the enacting clause."

Senator Burns moved to table the amendment.

Pending action, the friends of the bill claimed the right to perfect the bill by further amending it, as per Senate Rule 21, and accordingly the following amendments were offered:

By Senator Atlee:

"Insert in line 9, page 1, after the word 'libel' the following, 'in order to be the basis of a civil action for damages.'"

Adopted.

By Senator Terrell:

"Amend by striking out the following words in line 12, page 2, 'false or defamatory matter.'"

Adopted.

By Senator Goss:
"Amend by striking out all of subdivision 4, in Section 3."

By Senator Lewis:
"Substitute the amendment; amend subdivision 4, line 31, by adding after the words 'made in a' the following 'letter or other private.'"

Adopted.

The amendment as substituted was then adopted.

By Senator Terrell:
"Amend by inserting after the word 'libel,' line 15, page 1, the following 'where it is not libelous per se.'"

Lost.

By Senator Grinnan:
"Amend by adding after line 3, on page 2, the following, 'No communications or publications shall be deemed privileged under this act if it constitutes an offense under the Penal Code.'"

Senator Dibrell made the point of order against the amendment that it did not seek to perfect the bill, and was not in order.

Not sustained.

The amendment was lost by the following vote:

Yeas—5.

Grinnan.	McGee.
Johnson.	Morriss.
Lloyd.	

Nays—16.

Atlee.	Lewis.
Burns.	Miller.
Dibrell.	Odell.
Goss.	Potter.
Gough.	Ross.
Hanger.	Stafford.
James.	Terrell.
Kerr.	Yett.

Absent.

Neal.	Turney.
Stone.	Yantis.

Absent—Excused.

Davidson.	Sebastian.
Greer.	Wayland.
Linn.	

By Senator Lewis:
"Amend subdivision 4, page 1, line 32, by adding after the word 'interested' the following: 'Provided, that the publication of such letter or other private communication in a newspaper or circular shall not be privileged.'"

Adopted.

There being no further amendments, action recurred on Senator Burns' motion to table the amendment of Senator Grinnan to strike out the enacting clause.

The motion to table prevailed by the following vote:

Yeas—15.

Atlee.	Lewis.
Burns.	Odell.
Dibrell.	Potter.
Goss.	Ross.
Hanger.	Stafford.
James.	Terrell.
Johnson.	Yett.
Kerr.	

Nays—6.

Gough.	McGee.
Grinnan.	Miller.
Lloyd.	Morriss.

Absent.

Neal.	Turney.
Patterson.	Yantis.
Stone.	

Absent—Excused.

Davidson.	Sebastian.
Greer.	Wayland.
Linn.	

The bill as amended was then ordered engrossed by the following vote:

Yeas—15.

Atlee.	Lewis.
Burns.	Odell.
Dibrell.	Potter.
Goss.	Ross.
Hanger.	Stafford.
James.	Terrell.
Johnson.	Yett.
Kerr.	

Nays—6.

Gough.	McGee.
Grinnan.	Miller.
Lloyd.	Morriss.

Absent.

Neal.	Turney.
Patterson.	Yantis.
Stone.	

Absent—Excused.

Davidson.	Sebastian.
Greer.	Wayland.
Linn.	

"I vote 'no' on the engrossment of this bill at the earnest solicitation of my old friend 'Colonel Bill Sterrett,' and as evidence of my faith in his judgment on all questions except the 'free and unlimited coinage of silver.'"

"MILLER."

On motion of Senator Yett, the rule requiring bills to lay on the table one day was suspended, and

The Chair laid before the Senate, on second reading,

House bill No. 223, being a bill to be entitled "An Act to incorporate the city

of Austin, Texas; to grant it a new charter, and to define and fix its boundaries."

On motion of Senator Yett, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its second reading by the following vote:

Yeas—20.

Atlee.	Lloyd.
Burns.	McGee.
Dibrell.	Miller.
Goss.	Morriss.
Grinnan.	Odell.
Hanger.	Potter.
James.	Ross.
Johnson.	Stafford.
Kerr.	Terrell.
Lewis.	Yett.

Nays—1.

Gough.

Absent.

Neal.	Turney.
Patterson.	Yantis.
Stone.	

Absent—Excused.

Davidson.	Sebastian.
Greer.	Wayland.
Linn.	

Bill read second time, and passed to a third reading.

APPOINTMENT.

The Chair announced the appointment of Committee Clerk Otto D. H. Pfeuffer to accompany and serve the special committee to visit and report on the State Reformatory.

On motion of Senator Johnson, the Senate adjourned to 10 a. m., tomorrow.

THIRTY-SECOND DAY.

Senate Chamber,
Austin, Texas, Thursday, Feb. 23, 1899.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following members answering to their names:

Atlee.	Lewis.
Burns.	Linn.
Dibrell.	Lloyd.
Goss.	McGee.
Gough.	Miller.
Grinnan.	Morriss.
Hanger.	Odell.
James.	Patterson.
Johnson.	Ross.
Kerr.	Stafford.

Terrell.
Yantis.

Yett.

Absent.

Neal.
Potter.
Sebastian.

Stone.
Turney.

Absent—Excused.

Davidson.
Greer.

Wayland.

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of yesterday,

On motion of Senator Ross, the same was dispensed with.

EXCUSED.

On motion of Senator Atlee, Senator Potter was excused for today and tomorrow on account of important business.

On motion of Senator James, Senator Yantis was excused for non-attendance on Friday and Saturday of last week, and Monday, Tuesday and Wednesday of this week on account of sickness in his family.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, Feb. 23, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 115, being a bill to be entitled "An Act to create the office of State Purchasing Agent; to define his duties, and fixing his compensation therefor,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it be referred to Committee on State Affairs.

DIBRELL, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 189, being a bill to be entitled "An Act to give the Board of Regents of the University of Texas the absolute and exclusive management and control of the mineral lands of the University,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

GOSS, Chairman.